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9 **UNITED STATES DISTRICT COURT**
10 **CENTRAL DISTRICT OF CALIFORNIA**
11

12 RUBEN FLORES,

13 Plaintiff,

14 v.

15 ASSUREHIRE, INC.,

16 Defendant.
17

Case No.: 2:25-cv-01621-WLH-SK

Assigned to Hon. Wesley L. Hsu

**DEFENDANT ASSUREHIRE, INC.'S
NOTICE OF MOTION AND
MOTION TO DISMISS PURSUANT
TO FED. R. CIV. P. 41(b) AND
REQUEST FOR ENTRY OF
JUDGMENT; MEMORANDUM OF
POINTS AND AUTHORITIES**

[Filed concurrently with Memorandum of
Points and Authorities and (Proposed)
Order]

Hearing Date: October 17, 2025
Hearing Time: 1:30 p.m.
Courtroom: 9B

Complaint filed: February 26, 2025
Trial Date: Not set

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that on October 17, 2025, at 1:30 p.m., or as soon thereafter as the matter may be heard in Courtroom No. 9B of the above-entitled Court, located at 350 W. First Street, Los Angeles, California, 90012, Defendant AssureHire, Inc. (“AssureHire”) will and hereby does move the Court for an order dismissing Plaintiff Ruben Flores’s (“Plaintiff”) complaint in its entirety, with prejudice. Plaintiff failed to amend within the time allowed by the Court’s order of dismissal pursuant to Rule 41(b) of the Federal Rules of Civil Procedure. AssureHire further requests that the Clerk of the Court enter Judgment in AssureHire’s favor.

This Motion is made pursuant to Federal Rules of Civil Procedure 41(b) on the grounds that the Court granted AssureHire’s Motion to Dismiss on June 2, 2025, and ordered Plaintiff to file his amended complaint, if any, within 21 days of that order. *See* Dkt. No. 23. As Plaintiff failed to amend the complaint within the allotted time, this action should be dismissed with prejudice and final Judgment entered in AssureHire’s favor on all counts. *See* Fed. R. Civ. P. 41(b); *Yourish v. California Amplifier*, 191 F.3d 983, 986 (9th Cir. 1999) (“Under Ninth Circuit precedent, when a plaintiff fails to amend his complaint after the district court dismisses the complaint with leave to amend, the dismissal is typically considered a dismissal for failing to comply with a court order. . . .”); *Edwards v. Marin Park, Inc.*, 356 F.3d 1058, 1065 (9th Cir. 2004) (“The failure of the plaintiff eventually to respond to the court’s ultimatum—either by amending the complaint or by indicating to the court that it will not do so—is properly met with the sanction of a Rule 41(b) dismissal.”).

This Motion is based on this Notice of Motion and Motion, the attached Memorandum of Points and Authorities, the concurrently filed proposed Order, and upon such other matters, whether written or oral, as may be presented to the Court at or prior to any hearing on this Motion. Counsel for AssureHire met and conferred with Plaintiff’s counsel as to whether Plaintiff would oppose this Motion, but did not receive a response as of the time of filing.

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DATED: September 16, 2025

Respectfully submitted,

GLASER WEIL FINK HOWARD
JORDAN & SHAPIRO LLP

By: /s/ Elizabeth A. Sperling
Elizabeth A. Sperling
Alexander R. Miller
Attorneys for Defendant
AssureHire, Inc.